GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MA&UD Dept. - PH&ME – Andhra Pradesh High Court – Contempt Case – Hon'ble APHC orders Dated 22/11/2019, Notice in C.C.No.980/2019 in W.P.No.31221/2017, Orders Dated 15/09/2017 filed by Sri A. Lakshmaiah, Executive Engineer, Guntur Municipal Corporation, Guntur - Promotion to the post of Superintending Engineer on adhoc basis – Orders - Issued.

==========

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (C1) DEPARTMENT

G.O.RT.No. 182 Dated: 01-04-2020

Read the following:-

1. G.O.Rt.No.509, MA&UD (L2) Dept., Dated 30/04/2011
2. G.O.Rt.No.585, MA&UD (E1) Dept., Dated 27/04/2012.
3. Hon'ble A.P.High Court orders dated 15/09/2017 in W.P.No.31221/2017, filed by Sri A.Lakshmaiah, Executive Engineer, APTIDCO, Guntur.
4. G.O.Ms.No.113, MA&UD (C) Dept., Dated 08/03/2019.
5. Representation of Sri A. Lakshmaiah, Executive Engineer, Guntur Municipal Corporation, dated:20.11.2019.
6. Notice in Contempt Case No.980/2019, dated 22/11/2019 in W.P.No.31221/2017, orders dated 15/09/2017 filed by Sri A.Lakshmaiah, Executive Engineer, APTIDCO, Guntur.
7. From the Engineer-in-Chief (FAC), PH, AP, Letter No.8119/CS1/2019, Dated 17/12/2019.

-ooo-

ORDER:-

Government have framed charges against the individual vide references 1st & 2nd read above. After completion of the DPC on 07/03/2019 for the panel year 2018-19, Government vide G.O.Rt.No.377, MA&UD (Vig.II) Dept., Dated 23/05/2019 have dropped further action against the individual in respect of the charges communicated vide G.O.Rt.No.509, MA&UD Dept., Dated 30/04/2011 and another charge is still pending against the individual which was framed vide G.O.Rt.No.585, MA&UD Dept., Dated 27/04/2012. The Inquiry Authority has submitted enquiry report to Government where the charges which are not held proved in the inquiry.

2. In the reference 3rd read above, Sri A.Lakshmaiah, Executive Engineer has filed W.P.No.31221/2017 to consider his promotion to the post of Superintending Engineer without taking into consideration of charge memo issued in G.O.Rt.No.585, MA & UD Dept., Dated 27/04/2012 and Hon'ble A.P.High Court in its orders dated 15/09/2017 directing the respondents to consider the case of the individual for promotion to the post of Superintending Engineer in the light of G.O.Ms.No.257, G.A (Ser.C) Dept., Dated 10/06/1999.

3. A DPC meeting was convened on 07/03/2019 to consider promotions to the post of Superintending Engineer and the DPC in its meeting, among others, have decided to defer the promotion of the individual to the post of Superintending Engineer as per rules in view of the charges pending against him. Accordingly, Government vide reference 4th read above, the name of Sri A. Lakshmaiah, Executive Engineer (PH), (at Sl.No.3) included in the panel 2018-2019 of Executive Engineers for consideration of promotion to the post of Superintending Engineer and deferred his promotion until termination of the disciplinary case.

4. In the reference 5th read above, Sri A.Lakshmaiah, Executive Engineer in his representation has stated that his name was included in the panel of Executive Engineer for promotion to the category of Superintending Engineer for the panel year 2018-19 and approved vide G.O.Ms.No.113, MA &UD(C) Dept, dated:8.3.2019 and therefore, requested to consider for promotion, as he is at the edge of retirement and issue promotion and posting orders as Superintending Engineer as per Hon'ble High Court, orders dated:22.10.2019 in WP.No.16539/2019 wherein directed to consider the case of the individual for promotion to the post of Superintending Engineer in terms of the Hon'ble High Court Orders dated 15/09/2017 in W.P.No.31221/2017 without reference to the charge memo and the pending enquiry and such promotion shall be subject to the result of the pending enquiry.

5. In the reference 6th read above, Sri A.Lakshmaiah, Executive Engineer, APTIDCO, Guntur has filed Contempt Case No.980/2019 in W.P.No.31221/2017, orders dated 15/09/2017 filed by Sri A.Lakshmaiah, Executive Engineer, APTIDCO for willful violation of the orders passed therein, to consider the case of the petitioner for promotion as Superintending Engineer in the light of G.O.Ms.No.257, Dated 10/06/1999.

6. In the reference 7th read above, the Engineer-in-Chief, Public Health, AP, inter alia, have reported the details of the case and requested the Government to examine the request of the individual in view of court orders etc., and communicate further orders in the matter.

7. Government, after careful examination and keeping in view of the orders of Hon'ble Andhra Pradesh High Court and the Enquiry Report of the Inquiry Authority, hereby promote, Sri.A.Lakshmaiah, Executive Engineer as Superintending Engineer under Rule 10 (a) (i) of A.P.State and Subordinate Service Rules, 1996 on adhoc basis on par with his junior as per approved panel 2018-19 as was issued vide G.O 4th read above, subject to outcome of the departmental action in disciplinary cases pending against the individual and pending court cases, if any, in the Hon'ble Courts.

8. The promotion at para (7) above is purely temporary, subject to finalization of the seniority and court cases pending before the Hon'ble Courts, if any.

9. The Engineer-in-Chief (Public Health), Tadepalli, Guntur District shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri A.Lakshmaiah, Executive Engineer, Guntur Municipal Corporation
through ENC, PH, AP.
The Engineer-in-Chief, PH, AP, Garuda Enclave, Tadepalli, Guntur Dist.
Copy to:
The Government Pleader for Services, A.P.High Court, Amaravati for information.
PS to Secretary to Govt.
Sf/Sc. (Computer No.1038646/2019).

// FORWARDED :: BY ORDER //

SECTION OFFICER